

(2) The number of animals in the primary enclosure(s);

(3) A certifying statement (e.g., "I hereby certify that the ——— (number) primary enclosure(s) which are used to transport the animal(s) in this shipment complies (comply) with USDA standards for primary enclosures (9 CFR part 3)."); and

(4) The signature of the consignor, and date.

(c) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards may accept for transportation or transport, in commerce, any marine mammal consigned by any department, agency, or instrumentality of the United States or of any State or local government, or by any person (including any licensee or registrant under the Act, as well as any private individual) if the consignor furnishes to the carrier or intermediate handler a certificate executed by a veterinarian accredited by this Department pursuant to part 160 of this title on a specified date which shall not be more than 10 days prior to delivery of such animal for transportation in commerce, stating that such marine mammal is acclimated to air temperatures lower than those prescribed in §§3.117 and 3.118. A copy of such certificate shall accompany the shipment to destination. The certificate to include at least the following information:

(1) Name and address of the consignor;

(2) The number of animals in the shipment;

(3) A certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2° C. (45° F.)"); and

(4) The signature of the USDA accredited veterinarian, assigned accreditation number, and date.

(d) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6-hour period following the arrival of any marine mammals at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the

name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

[44 FR 36874, June 22, 1979, as amended at 44 FR 63493, Nov. 2, 1979]

§3.113 Primary enclosures used to transport marine mammals.

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any marine mammal in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, which are used to transport marine mammals other than cetaceans and sirenians, shall (1) be constructed from materials of sufficient structural strength to contain the marine mammals; (2) be constructed from material that is durable, nontoxic, and cannot be chewed and/or swallowed; (3) be able to withstand the normal rigors of transportation; (4) have interiors which are free from any protrusions that could be injurious to the marine mammals contained therein; (5) be constructed so that no parts of the contained marine mammals shall be exposed to the outside of the enclosures in such a way which may cause injury to the animals or to persons who are nearby or who handle the enclosures; (6) have openings which provide access into the enclosures which shall be secured with locking devices of a type which cannot be accidentally opened; (7) have such openings located in a manner which makes them easily accessible at all times for emergency removal of any live marine mammal contained therein; (8) have air inlets at heights which will provide cross ventilation at all levels (particularly when the marine mammals are in a prone position) and located on all four sides of the enclosures, and such ventilation openings shall be not less than 16 percent of the total surface area of each side of the enclosures; (9) have projecting rims or other devices placed on the ends and sides of any enclosures which have ventilation openings to provide a minimum air circulation space of 1.9 centimeters (0.75 inches) between the enclosures and any

adjacent cargo or conveyance wall; and (10) be equipped with adequate handholds or other devices on the exterior of the enclosures which shall enable them to be lifted without unnecessary tilting and which will ensure that the persons handling the enclosures will not come in contact with any marine mammal contained therein.

(b) Straps, slings, harnesses, or other devices, if used for body support or restraint, when transporting marine mammals such as cetaceans and sirenians shall (1) be designed so as not to prevent access to such mammals by attendants during transportation for the purpose of administering in transit care; (2) be equipped with special padding to prevent trauma or injury at critical weight pressure points on the body of the marine mammals; and (3) be capable of keeping the animals from thrashing about and causing injury to themselves or their attendants, and yet be adequately designed so as not to cause injury to the animals.

(c) Primary enclosures used to transport live marine mammals shall be large enough to assure that (1) in the case of polar bears and sea otters, there is sufficient space to turn about freely in a stance whereby all four feet are on the floor and the animal can sit in an upright position and lie in a natural position; (2) in the case of pinnipeds, each animal has sufficient space to lie in a natural position; and (3) in the case of cetaceans and sirenians, each animal has sufficient space for support of its body in slings, harnesses, or other supporting devices, if used (as prescribed in paragraph (b) of this section) without causing injury to such cetaceans or sirenians due to contact with the primary enclosure: *Provided, however,* That certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(d) Marine mammals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Marine mammals which have not reached puberty shall not be transported in the same primary enclosure with adult marine mammals other than their dams. Socially de-

pendent animals (e.g., sibling, dam, and other members of a family group) must be allowed visual and olfactory contact. Female marine mammals shall not be transported in the same primary enclosure with any mature male marine mammals.

(e) Primary enclosures used to transport marine mammals as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in §3.107 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the marine mammals contained therein, in sufficient quantity to absorb and cover excreta, unless the animals are on wire or other nonsolid floors.

(f) Primary enclosures used to transport marine mammals, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words "Live Animal" or "Wild Animal", whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(h) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh, or smooth expanded metal.

§3.114 Primary conveyances (motor vehicle, rail, air and marine).

(a) The animal cargo space of primary conveyances used in transporting